

UNITED STATES BANKRUPTCY COURT

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Jean Rolfs
Clerk of Court

**Western District Bar Advisory Committee Minutes
December 12, 2008**

In attendance: Brad Chaffin (representing Joyce Babin), Jill Jacoway, Theresa Pockrus, Jeff Conner, Stanley Bond, Don Brady, John Blair, Marc Honey, Jim Sprott, Jean Rolfs, Phil Principe, and Kay Greenhaw. Unable to attend: Chuck Tucker, Joyce Babin, Richard Cox, Lee Kuykendall, Kathryn Stocks, Jack Dickerson, and Karen Waldroff.

1. After introductions, Jeff Conner was introduced as the new President of the Northwest Arkansas Debtor Creditor Bar, following Stanley Bond as President.

Jean Rolfs reported on the Payment of Filing Fee In Installments discussion from the February 26, 2008 meeting. At the February 26, 2008 meeting, the Western District Bar Advisory Committee had one vote to keep the current system in place, six votes to change the system, and four votes of “don’t care.” The Eastern District Bar Advisory Committee had 10 votes to keep the current system in place, three votes to change the system, and one vote of “don’t care.” Following the meetings of both the Eastern and Western District Bar Advisory Committees, the Judges decided to keep the current system in place.

2. Jean Rolfs reported that Social Security Number reports are now sent to Trustees on converted cases.
3. Phil Principe reported that the Court is no longer sending Memorandum of Document Deficiency (MDD) if the case is filed in the incorrect district.

From the Bankruptcy Clerk’s Manual:

d. Clerk's Responsibilities with Respect to Venue of Cases

Petitions or pleadings may be filed with the clerk's office relating to

matters which are within the court's bankruptcy jurisdiction, but the district in which they are filed does not appear to be the statutorily mandated venue. The clerk, however, should not reject a petition or pleading because of apparent improper venue. Determinations with respect to venue are reserved for the judges alone. If it appears to the clerk from a review of the petition or pleading that there may be a question regarding venue, the clerk may wish to bring the matter to the attention of the judge to whom the case is assigned.

4. Jill Jacoway requested that the Clerk's office in both LR and FA enter discharges within 2 days of the trustee's office sending final reports. Current clerk's office procedure is to enter the discharge within 15 days of receipt of the trustee's final report. The Clerk's office is considering a revision to this procedure.
5. Marc Honey asked whether the debtor is notified that they are required to do Financial Management. Yes, they are notified.
6. Jill Jacoway requested that the Clerk's office issue an additional 3 day MDD after the initial 15 day Order of Deficiency notifying parties that the case will be dismissed due to document deficiency. The current clerk's office procedure is to monitor the deadline created by this courtesy order via a weekly report. The dismissal order is generally not entered immediately upon expiration of the 15 day time period. Therefore there is usually some extra time for the attorney to take action prior to the case being dismissed. The Clerk's Office does not anticipate any revisions to their current procedure.
7. Marc Honey asked a few questions regarding Jack Dickerson's proposed Pro Bono Panel. The committee discussed and came to a general consensus that sufficient avenues currently exist for pro bono assistance.
8. John Blair asked how the national database of creditors works and expressed concern at the increase in creditors having only an 800 phone number with no mailing address. Stanley Bond recommended the attorneys choose the mailing matrix information, and also mentioned that they can call BNC to find out the correct mailing address.

9. Stanley Bond reported problems due to decreased speed with ECF Version 3.2. It is expected that the speed issues will be addressed with ECF Version 3.3, which will be installed the weekend of February 14, 2009. Mr. Bond noted some improvements in Version 3.2 that he appreciated, including the mailing matrix which automatically corrects to use addresses in the BNC national database.
10. The question was asked as to whether attorneys will be able to Case Upload Chapter 11s in ECF Version 3.3. Yes, this capability will be included in ECF Version 3.3.
11. Jill Jacoway brought up the issue of out-of-state attorneys practicing without Pro Hac Vice. Stanley Bond said he would prefer that Arkansas Bankruptcy handle like the US District Court, Eastern District of Michigan, where with limited exceptions, they do not accept pro hac vice admissions. However, in both the US District Court for the Eastern District of Arkansas and the US District Court for the Western District of Arkansas, pro hac admissions are permitted. The Arkansas Bankruptcy court follows Arkansas Federal District court procedures.
12. Richard Cox graciously submitted an e-mail before the meeting offering to host the next meeting at his office in the Regions Bank Towers Building in Hot Springs. The committee agreed unanimously to schedule the next meeting at Richard Cox's office in Hot Springs.